



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Sep 15 2017

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Engineering Evaluation/Cost Analysis Approval Memorandum for a Proposed Non-Time-Critical Removal Action at the Solvay Coke & Gas Company Site, Milwaukee, Wisconsin

FROM: Viral Patel, Remedial Project Manager

THRU: Nefertiti DiCosmo, Chief
Remedial Response Section 5

Denise Boone, Acting Chief
Remedial Response Branch 1

TO: Margaret M. Guerriero, Acting Director
Superfund Division

The purpose of this memorandum is to request approval to proceed with an Engineering Evaluation/Cost Analysis (EE/CA) for a non-time-critical removal action (NTCRA) at the Solvay Coke & Gas Company Site in Milwaukee, Wisconsin. The purpose of the NTCRA is to address non-aqueous phase liquid (NAPL) and contaminated soils in the Uplands area. The U.S. Environmental Protection Agency (EPA) has reached a settlement agreement with Wisconsin Gas LLC (d/b/a We Energies) that will require We Energies to conduct the EE/CA, the removal design, and the removal action identified in the Action Memorandum.

I. Site Background

The Site covers approximately 45 acres in a primarily industrial and commercial area of Milwaukee located north of the Kinnickinnic River and west of the Lincoln Memorial Harbor. The Site is bordered to the north by East Greenfield Avenue, to the northeast by railroad tracks and a former coal storage area, to the east and south by the Kinnickinnic River, and to the west by railroad tracks. The Site has not been proposed for inclusion on the National Priorities List ("NPL") pursuant to CERCLA Section 105, 42 U.S.C. § 9605, however, previous scoring activities indicate the Site would qualify for inclusion on the NPL.

The Site is comprised of a number of lots. Various industrial activities have occurred on different lots since at least 1900, and probably as early as 1866. A manufactured coke and gas facility located on the northern portion of the Site was operated by various entities from 1904 until approximately 1983. The Site has also been used for rail car ferrying operations, electric railroad operations, blast furnace operations for iron and steel production, and hide tanning periodically from approximately 1883 to 1950. The Site has been vacant since 2003. Most of the major coke

and gas manufacturing buildings on the northern half of the Site were demolished during a surface removal that was conducted during 2003-2005 pursuant to an Administrative Order by Consent dated February 14, 2003 (V-W-03-C-733) ("2003 Removal Order").

Wisconsin Wrecking operated a scrap and salvage operation on the northern portion of the Site until January 2003, when it assigned its interest in the Site to Water Street Holdings, LLC. At the same time Cliffs Mining Company conveyed the Site, via quit claim deed, to Water Street Holdings, LLC. Shortly thereafter Water Street Holdings, LLC, conveyed the Site, via quit claim deed, to Golden Marina Causeway, LLC. The Site is currently owned by We Energies.

II. Threat to Public Health, Welfare, or the Environment

In order for EPA to make a determination that a removal action is warranted, there must be an actual or a potential unacceptable risk to human health or the environment from the release or potential release of hazardous substances, pollutants or contaminants. EPA will formally document this determination in the Action Memorandum for the NTCRA (which will be issued after the EE/CA is completed and presented for public comment).

III. Factors for Determining Appropriateness of a Removal Action

Section 300.415(b)(2) of the NCP provides factors for determining the appropriateness of a removal action. The factor most applicable to current conditions at the Site is high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate.

Surface and subsurface contamination not addressed under the 2003 Removal Order remains at the Site and is a source of potential exposure to humans. Field observations during the remedial investigation were used to evaluate the presence of process residuals (e.g., coal, coke, and other fill materials) and potentially mobile non-aqueous phase liquids ("NAPL") at the Site. Analytical laboratory data for surface and subsurface samples were used to establish chemical constituents present at the Site and their extent relative to regulatory screening values. Constituents that exceeded their respective EPA industrial regional screening level in surface or subsurface samples include polycyclic aromatic hydrocarbons (PAHs), arsenic, lead, mercury, and cyanide. PAHs were evaluated as total PAHs, naphthalene, and benzo(a)pyrene toxic equivalents. The regional removal management level exceedances included benzo(a)pyrene found in soils within 0-2 feet of the surface. Contaminants in surface and subsurface locations create the potential for human exposure and off-site migration. The Baseline Human Health Risk Assessment conducted as a part of the remedial investigation indicates that there is a potential for risks above target ranges to outdoor commercial/industrial workers to contaminants of potential concern, primarily carcinogenic PAHs, associated with surface and subsurface soils.

In accordance with § 300.415(b)(4) of the NCP, EPA has determined that a planning period of at least six months exists before on-site activities could be initiated.

V. Statutory Basis for Action

The information presented in this memorandum and the Administrative Record indicates that actual or threatened releases of hazardous substances, pollutants, or contaminants from the Site may present an imminent and substantial endangerment to public health or the environment.

VI. Enforcement/Proposed Actions/Cost Estimates

EPA has entered into an Administrative Order on Consent with We Energies to complete an EE/CA for the Uplands area. This AOC requires that We Energies design and implement the NTCRA response action selected by EPA. EPA anticipates that some of the potential removal response options may include the following: excavation and disposal of NAPL source areas, treatment of NAPL source areas, and/or capping of the Site. With approval of this memorandum, an EE/CA will be developed and finalized, and the information generated will be used to establish the scope of the proposed actions and cost estimates. EPA cannot estimate the cost of the potential NTCRA options until the scope of work is determined by the EE/CA. EPA expects We Energies to conduct and finance both the EE/CA and the subsequent NTCRA.

EPA's guidance (OSWER 9660.0-40P) states: *"For non-time-critical removal actions where the cost of the selected removal action could exceed \$6 million, the Region must consult with the Director of OERR prior to signing the EE/CA Approval Memorandum (or its equivalent). This consultation requirement applies both to fund-lead actions and those action to be performed by PRPs."*

If it is determined, during the development of the EE/CA, that the cost of the NTCRA could exceed six million dollars, consultation will occur immediately.

VII. Public Involvement

EPA expects to issue an EE/CA for public comment by December 2017.

IX. Approval/Disapproval

The conditions at the Site meet the NCP criteria for a removal action. Therefore, I am requesting approval to proceed with an EE/CA. Your approval or disapproval should be indicated below.

Approve:

X 

Margaret M. Guerriero
Acting Director, Superfund Division
Signed by: Guerriero, Margaret

Disapprove:

X

Margaret M. Guerriero
Acting Director, Superfund Division